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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/627,776	07/28/2003	Stuart D. Hellring	1673P1	5340
7590 11/22/2006		EXAMINER		
PPG Industries, Inc. Law-Intellectual Property 39S One PPG Place Pittsburgh, PA 15272			GOUDREAU, GEORGE A	
			ART UNIT	PAPER NUMBER
				TALERIVONIDER
			1763	
		DATE MAILED: 11/22/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary							
		10/627,776	HELLRING ET AL.				
	Office Action Summary	Examiner	Art Unit				
	Ti May 110 DATE of this communication and	George A. Goudreau	1763				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)⊠	Responsive to communication(s) filed on 05 Ju	<u>une 2006</u> .	•				
,	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.						
3)[	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
•	closed in accordance with the practice under Ex parte Quayle, 1935 C.D, 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)⊠	4)⊠ Claim(s) <u>27-31,36 and 46-63</u> is/are pending in the application.						
-	4a) Of the above claim(s) <u>27-31</u> is/are withdrawn from consideration.						
5)🖂	5)⊠ Claim(s) <u>36 and 52-60</u> is/are allowed.						
6)⊠	Claim(s) <u>46-51 and 61-63</u> is/are rejected.						
7)	Claim(s) is/are objected to.						
8)□	Claim(s) are subject to restriction and/o	or election requirement.					
Application Papers							
9) The specification is objected to by the Examiner.							
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
ټ.	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachmen	t(s)		GEORGE COUDREAU PRIMARY EXAMINER				
_	ce of References Cited (PTO-892)	4) Interview Summary					
	ce of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da 5) Notice of Informal F					
	mation Disclosure Statement(s) (PTO/SB/08) or No(s)/Mail Date	6) Other:	diam'r pphoduon				

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1. This action will not be made final due to the new grounds of rejection.

- 2. Applicant's arguments with respect to claims of record have been considered but are most in view of the new ground(s) of rejection.
- 3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

- 4. Claims 46-51, and 61-63 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,656,241. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following.
  - -The claims of US patent 6,656,241 fully encompass the subject matter, which is claimed in the present application.
- 5. Claims 36, and 52-60 are allowed.

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Any inquiry concerning this communication should be directed to examiner 6.

George A. Goudreau at telephone number (571)-272-1434.

George A. Gouldre Primary Examiner

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